



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of)	
BLARNEY CASTLE OIL CO.)	
3003 Whitehall)	Request ID No. 533368
Muskegon, Dalton Township)	
Muskegon County)	
<hr/>		

At the February 28, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Donald B. Weatherspoon, Commissioner

SHOW CAUSE HEARING ORDER

On December 15, 2009, Blarney Castle Oil Co. (applicant) filed a request for a new SDM license with motor vehicle fuel pumps issued under MCL 436.1541(1), to be held at the above-noted location. The request was amended on April 5, 2010 to include two (2) new Direct Connection Permits; a request for new permission for On-Premise Seating; and a request for a Licensing Agreement with Satellite Receivers, Ltd. (A Wisconsin Corporation). The request was approved by the Commission on June 2, 2010 subject to, in part, an accounting to be conducted by the Commission's Enforcement Division 180 days from issuance of the license to determine that the applicant continues to maintain, on the licensed premises, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

The SDM license and permits were issued on October 7, 2010. The licensee also requested a new Sunday Sales Permit (A.M.) and that was issued on January 24, 2011. An inspection conducted by the Commission's Enforcement Division on June 3, 2011 revealed the applicant's approved type inventory was \$76,649.49, which is far below the \$250,000.00 requirement under MCL 436.1541(1).

On January 4, 2012, the Commission ordered a Show Cause Hearing under administrative rule R 436.1925(1) to determine why the subject license and permits should not be cancelled for failing to maintain on the licensed premises, a minimum approved type inventory of at least \$250,000.00, at cost, required for licensure under MCL 436.1541(1)(a)(ii). The Show Cause Hearing was held on February 28, 2012 at the Commission's Lansing office. Representing the applicant at the hearing was Dennis B. McCarthy.

After hearing arguments, reviewing the MLCC file and exhibit presented at the hearing, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated good cause not to terminate the subject license and permits at this time. Specifically, the licensee provided documentation indicating that as of February 14, 2012, the applicant's approved type inventory, at cost, was \$266,650.33, which satisfies the requirement for licensure under MCL 436.1541(1)(a)(ii).

No further action should be taken to affect the status of the SDM license and permits issued to the licensee at this time.

THEREFORE, IT IS ORDERED that:

- A. The order of January 4, 2012 issued in this matter is VACATED and no further action will be taken to affect the status of the SDM license and permits issued to the licensee at this time.
- B. Under administrative rule R 436.1129(2), the Commission shall cancel the license and permits if a future audit conducted by the Commission's

Enforcement Division reveals the approved type inventory, at cost, is under \$250,000.00, which is required for licensure under MCL 436.1541(1).

- C. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
- D. All other provisions of the approval order dated June 2, 2010 issued in this matter remain in effect.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of March 20, 2012.

Prepared by:
Terri Chase, Commission Aide



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of)
BLARNEY CASTLE OIL CO.)
3576 Heights Ravenna)
Muskegon, Fruitport Township)
Muskegon County)
_____)

Request ID No. 533373

At the February 28, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Donald B. Weatherspoon, Commissioner

SHOW CAUSE HEARING ORDER

On December 15, 2009, Blarney Castle Oil Co. (applicant) filed a request for a new SDM license with motor vehicle fuel pumps issued under MCL 436.1541(1), to be held at the above-noted location. The request was amended on April 5, 2010 to include new permission for On-Premise Seating. The request was approved by the Commission on April 14, 2010 subject to, in part, an accounting to be conducted by the Commission's Enforcement Division 180 days from issuance of the license to determine that the applicant continues to maintain, on the licensed premises, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

The SDM license and permits were issued on September 30, 2010. The licensee

also requested a new Sunday Sales Permit (A.M.) and that was issued on January 24, 2011. An inspection conducted by the Commission's Enforcement Division on June 2, 2011 revealed the applicant's approved type inventory was \$86,850.94, which is far below the \$250,000.00 requirement under MCL 436.1541(1).

On January 4, 2012, the Commission ordered a Show Cause Hearing under administrative rule R 436.1925(1) to determine why the subject license and permits should not be cancelled for failing to maintain on the licensed premises, a minimum approved type inventory of at least \$250,000.00, at cost, required for licensure under MCL 436.1541(1)(a)(ii). The Show Cause Hearing was held on February 28, 2012 at the Commission's Lansing office. Representing the applicant at the hearing was Dennis B. McCarthy.

After hearing arguments, reviewing the MLCC file and exhibit presented at the hearing, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated good cause not to terminate the subject license and permits at this time. Specifically, the licensee provided documentation indicating that as of February 17, 2012, the applicant's approved type inventory, at cost, was \$260,094.83, which satisfies the requirement for licensure under MCL 436.1541(1)(a)(ii).

No further action should be taken to affect the status of the SDM license and permits issued to the licensee at this time.

THEREFORE, IT IS ORDERED that:

- E. The order of January 4, 2012 issued in this matter is VACATED and no further action will be taken to affect the status of the SDM license and permits issued to the licensee at this time.
- F. Under administrative rule R 436.1129(2), the Commission shall cancel the license and permits if a future audit conducted by the Commission's

Enforcement Division reveals the approved type inventory, at cost, is under \$250,000.00, which is required for licensure under MCL 436.1541(1).

- G. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
- H. All other provisions of the approval order dated April 14, 2010 issued in this matter remain in effect.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of March 20, 2012.

Prepared by:
Terri Chase, Commission Aide